

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 14, 2008. Claims 31 to 45 remain in the application, of which Claims 31, 36 and 41 have been amended and are independent. Reconsideration and further examination are respectfully requested.

In the Office Action, Claims 31 to 45 were rejected under the judicially-created doctrine of obviousness-type double patenting over Claims 1 to 27 of U.S. Patent No. 6,665,446 (Kato). The rejections are respectfully traversed and the Examiner is requested to reconsider and withdraw the rejections in light of the following comments.

The Office Action indicates that, although the claims of the present application now recite two separate steps of, first, extracting the specific image area, and then second, determining whether or not the extracted specific image area has a predetermined shape, the claims are not sufficient to overcome the previous double-patenting rejections. Specifically, the Office alleged that the claims of the '446 patent teach extracting the specific image area by pattern matching between an area having a predetermined color component value range and a predetermined shape, and although those features are not recited as being conducted separately in the claims of the '446 patent, it was alleged that, since the claims state "comprising", it is open ended and could be interpreted as being done in separate steps.

However, as now clearly defined in the claims, the present invention concerns extracting a face image area. In the invention, a face image area is extracted in a manner not taught by the claims of the '446 patent. Specifically, in the invention, the face

image area of an input image is extracted by using low frequency component data by 1) generating binary bitmap data by determining from the low frequency component data an area whose color component value falls within a predetermined range, and applying pattern matching processing using a face shape to the binary bitmap data so as to extract the face image area .

Thus, according to Claim 31, the invention is directed to an image processing apparatus for extracting a face image area, comprising input means for inputting image data that has been converted into coefficients based on a spatial frequency, and extraction means for extracting a face image area of the input image by using low frequency component data of the image data input by said input means, wherein said extraction means comprises generation means for generating binary bitmap data by determining from the low frequency component data an area whose color component value falls within a predetermined range, and matching means for applying pattern matching processing using a face shape to the binary bitmap data so as to extract the face image area.

Claims 36 and 41 are method and computer medium claims, respectively, that substantially correspond to Claim 31.

The claims of the '446 patent are not seen to disclose the features of Claims 31, 36 and 41, and in particular, is not seen to teach the features of extracting a face image area of an input image by using low frequency component data of input image data, wherein extracting comprises generating binary bitmap data by determining from the low frequency component data an area whose color component value falls within a

predetermined range, and applying pattern matching processing using a face shape to the binary bitmap data so as to extract the face image area.

In view of the foregoing amendments and remarks, Claim 31 to 45 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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